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6 Attorneys for Defendants WALMART INC.  
7 (formerly known as WAL-MART STORES, INC.)  
and WAL-MART ASSOCIATES, INC.

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10 EASTERN DIVISION  
11

12 AFROUZ NIKMANESH,  
13 Plaintiff,

14 v.

15 WAL-MART STORES, INC., a  
16 Delaware corporation, and WAL-  
MART ASSOCIATES, INC., a  
17 Delaware corporation, and DOES 1  
through 10, inclusive,  
18 Defendant.  
19

Case No. 8:15-cv-00202- JGB-JCG

**Assigned to Hon. Jesus G. Bernal**

**DEFENDANTS' OBJECTIONS TO  
PLAINTIFF'S [PROPOSED]  
JUDGMENT**

Trial: (Held)  
Date: August 24, 2021  
Time: 9:00 a.m.

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27 Defendants Walmart Inc. (formerly known as Wal-Mart Stores, Inc.) and  
28 Wal-Mart Associates, Inc. (collectively "Defendants") object to Plaintiff Afrouz

1 Nikmanesh's ("Plaintiff") Proposed Judgment on Jury Verdict [Doc.388-01]. By  
 2 submitting these objections to Plaintiff's Proposed Judgment, and by submitting its  
 3 own form of Proposed Judgment, Defendants do not waive any rights to object to  
 4 the judgment, including, but not limited to, filing any post-trial motions under  
 5 Rules 50 or 59 or any appeal from any judgment or other ruling in this case.

6 Defendants object to the form of Plaintiff's lengthy (8-page) Proposed  
 7 Judgment. Plaintiff's Proposed Judgment purports to incorporate the Special  
 8 Verdicts, which are already filed and contained in the Court's docket. [Doc 333,  
 9 334] Restating the Special Verdicts in the Proposed Judgment is unnecessary.  
 10 [Doc. 338-1, pp. 2-3] This entire discussion can thus be excised from the  
 11 Judgment. [Doc. 338-1, p. 2, line 9 – p.7, line 27.]

12 Defendants also object to Plaintiff's attempt to add prejudgment interest and  
 13 attorneys' fees to the judgment. The Court has already ruled that Plaintiff is not  
 14 entitled to attorneys' fees. In its August 16, 2021 order, this Court denied  
 15 Plaintiff's motion for leave to amend her Second Amended Complaint to add a  
 16 prayer for attorneys' fees on her Eleventh Cause of Action. While that proposed  
 17 motion cited an amendment to California Labor Code Section 1102.5, effective  
 18 January 1, 2021, regarding attorneys' fees, the Court ruled that the amendment did  
 19 not apply retroactively. Further, as a matter of discretion, this Court held that  
 20 "[e]ven if Plaintiff could show that the relevant amendments to Section 1102.5  
 21 apply retroactively, Plaintiff fails to show that leave to amend the SAC at this late  
 22 juncture is warranted." [Doc. 309, p.5] Relitigating this issue is improper and  
 23 unnecessary.

24 Defendants thus offer the following [Proposed] Judgment, again, without  
 25 waiver of their rights to object thereto:

26 "This action came on regularly for jury trial between August 24,  
 27 2021 and September 3, 2021, in Courtroom 1 of the above entitled  
 28 court, the Honorable Jesus G. Bernal presiding.

1  
2 A jury was empaneled and sworn. Witnesses were sworn and  
3 testified, and exhibits were admitted into evidence. After hearing the  
4 evidence and arguments of counsel, the jury was instructed by the  
5 Court and the cause was submitted to the jury. The jury deliberated  
6 and thereafter returned a verdict in favor of Plaintiff Afrouz  
7 Nikmanesh, finding damages in the amounts of \$40,100.00 for past  
8 economic loss, \$100,000.00 for past non-economic loss, \$60,000.00  
9 for future non-economic loss, and \$27,300,000.00 for punitive  
10 damages.

11 IT IS ORDERED, ADJUDGED, AND DECREED that pursuant  
12 to the jury's Special Verdict, judgment in this action be entered in  
13 favor of Plaintiff and against Defendants Walmart Inc. (formerly  
14 known as Wal-Mart Stores, Inc.) and Wal-Mart Associates, Inc. as  
15 follows:

16 1. Damages are awarded to Plaintiff in the sum of  
17 \$40,100.00 for past economic loss, \$100,000.00 for past non-economic  
18 loss, \$60,000.00 for future non-economic loss, and \$27,300,000.00 for  
19 punitive damages.

20 2. Plaintiff may submit a Bill of Costs through a timely  
21 application pursuant to the Federal Rules of Civil Procedure and  
22 Central District Local Rules.

23 For these reasons, Defendants, without waiver, request their version of the  
24 [Proposed] Judgment be adopted.

25 Dated: October 1, 2021

BURKE, WILLIAMS & SORESENSEN, LLP

26 By: /s/ Susan V. Arduengo

Cheryl Johnson-Hartwell

Susan E. Coleman

Susan V. Arduengo

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STORES, INC.) and WAL-MART  
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